# BILL NO. 80

*Private Member's Bill*

*1st Session, 60th General Assembly*
*Nova Scotia*
*55 Elizabeth II, 2006*

# An Act to Protect the Civilian Employment of Members of and Students in the Canadian Forces Reserves

CHAPTER 13
ACTS OF 2006

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR**
**NOVEMBER 23, 2006**

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*Cole Harbour*

*Halifax, Nova Scotia*
*Printed by Authority of the Speaker of the House of Assembly*

2007-03008/

# An Act to Protect the Civilian Employment of Members of and Students in the Canadian Forces Reserves

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Canadian Forces Reservists Protection Act*.

**2** The purpose of this Act is to protect the civilian employment of members of and students in the Canadian Forces Reserves.

**3** In this Act,

(a) "Reserves" means that component of the Canadian Forces referred to in the *National Defence Act* (Canada) as the reserve force;

(b) "service" means a period of active duty or training in the Reserves;

(c) "student" means a public or private school, community college or university student;

**4 (1)** Every student has a right to return to that student's program of studies at the beginning of the next semester or sooner if practicable if the student

(a) provides the student's school, community college or university, as the case may be, with reasonable notice of the student's intention to

(i) take a leave of absence for a period of service, and

(ii) return to the school, community college or university upon completion of the service; and

(b) returns to or applies to return to the school, community college or university within a reasonable time upon completion of the student's service.

**(2)** Every school, community college or university shall allow a student to return to the student's studies after service without any financial penalty.

**(3)** For greater certainty, a student is not required to pay any tuition or fees in addition to those that the student would have been required to pay if the student had not taken the leave of absence.

**5** The Minister of Education may investigate any violations of this Act and attempt to resolve them.

**6** Every person who violates any provision of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars.

7 **(1)** The Governor in Council may make regulations

(a) prescribing the time within which a student must return to a school, community college or university or apply to return following service;

(b) limiting periods or classes of training as service for the purpose of this Act;

(c) defining any word or expression used but not defined in this Act;

(d) the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**8 Section 7 of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, as amended by Chapter 14 of the Acts of 1991, Chapter 4 of the Acts of 2003 (Second Session) and Chapter 10 of the Acts of 2006, is further amended by adding immediately after clause (be) the following clauses:**

(bf) prescribing the time within which an employee must return to work or apply to return to work;

(bg) limiting periods or classes of training as service for the purpose of Section 60H;

**9 Chapter 246 is further amended by adding immediately after Section 60G the following heading and Section:**

RESERVISTS

60H (1) In this Section,

(a) "Reserves" means that component of the Canadian Forces referred to in the *National Defence Act* (Canada) as the reserve force;

(b) "service" means a period of active duty or training in the Reserves

(2) An employee, who has been employed by an employer for at least one year and is required to be absent from the employer's civilian employment for purpose of service, is entitled to an unpaid leave of absence upon

(a) giving the employer the required notice of the date that the leave will begin and the anticipated date of return to work; and

(b) providing to the employer, where the employer so requests, a certificate from an official with the Reserves stating that the employee is a member, is required for service and, where possible, specifying the expected dates for the period of service.

(3) Every employee taking a leave of absence pursuant to subsection (2) shall

(a) provide the employer with reasonable notice prior to the date when the employee intends to take a leave of absence for a period of service; and

(b) provide the employer with reasonable notice prior to the date when the employee intends to return to work upon completion of service.

(4) Notice given pursuant to this Section must be put in writing if the employer so requests.

(5) Sections 59F to 60 apply *mutatis mutandis* to an employee who takes a leave of absence pursuant to this Section.

**10** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.